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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,834	01/18/2000	Takeshi Nakamura	49377(868)	1171

21874 7590 12/18/2003

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BOSTON, MA 02209

EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/484,834

Applicant(s)

NAKAMURA, TAKESHI

Examiner

Negussie Worku

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-4, are rejected under 35 U.S.C. 102(e) as being anticipated by Kato (USP 6,137, 586).

With respect to claim 1, Kato discloses transmitting receiving system (a facsimile device shown in fig 1, for receiving transmitting receiving data, (such as image or document over the modem connection) provided with a data back-up function, see (col.4, lines 50-53) comprising: transmitting receiving apparatuses(1 of fig 1, connected under control of NCU 2 via modem 2 to other receiving transmitting terminal) connected to each other via a network (NCU 1 of fig 1) or telephone line, (modem 2 of fig 1) the transmitting receiving apparatus, see (col.9, lines 20-22) including: storage means (RAM 3 of fig 1)for storing transmitting receiving data, see (col.4, lines 49-51) the storage means (RAM 3 of fig 1) being realized by a volatile memory, (RAM 3 of fig 1) and a control section (CPU 1 of fig 1)for setting and registering in advance

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a destination transmitting receiving apparatus (1 of fig 1) to which data stored in the storage means (RAM 3 of fig 3) is to be transferred, see (col.4, lines 43-45); and control means (Cpu 1 of fig 1, for controlling data transfer) for transferring the data stored in storage means (RAM 3 of fig 1) of a transmitting receiving apparatus (as shown in fig 1) whose is shut down, see (col.4, lines 50-53) to the destination power source transmitting receiving apparatus (1 of fig 1) which is set and registered in advance by the control section (NCU 2 of fig 1) of the transmitting receiving apparatus to store and hold the data.

With respect to claim 2, Kato discloses the transmitting receiving system (as shown in fig 1) for transmitting receiving data, (such as document or image) provided with a data back-up function (RAM 3 of fig 1, as a buffer memory for backing up the system) wherein the control section (CPU 1 of fig 1) of the transmitting receiving apparatus (facsimile device 1 of fig 1) sets a confidential transmission while setting and registering the transmitting receiving apparatus (shown in fig 1) to which the data is to be transferred.

With respect to claim 3, Kato discloses the transmitting receiving system (as shown in fig 1) for transmitting receiving data, (such as document or image) provided with a data back-up function see (col.4, lines 50-53) wherein the transmitting receiving apparatus (facsimile device 1 of fig 1) further includes a backup power source, see (col.4, lines 50-53) for storing and holding the data stored in the storage means (RAM 3 of fig 1)

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and the control means supplies power from the backup power source to the storage means (Ram 3 of fig 1) of the transmitting receiving apparatus (1 of fig 1) whose power source has been shut down and carries out the transferring process by the power supplied from the backup power source, see (col.4, lines 50-53).

With respect to claim 4, Kato discloses the transmitting receiving system (as shown in fig 1) (as shown in fig 1) for transmitting receiving data, (such as document or image) provided with a data back-up function, see (col.4, lines 50-53) further comprising: storage means (RAM 3 of fig 1) composed of a non-volatile memory for storing completion data transferred from the transmitting receiving apparatus (facsimile device 1 of fig 1) of the transfer destination indicative of the completion of data transfer, wherein the control means (CPU 1 of fig 1) informs of the transmitting receiving apparatus (1 of fig 1) to which the data has been transferred based on the completion data stored in the storage (RAM 3 of fig 1).

3. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negus Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, ***Kimberly Williams***, can be reached on (703) 305-4863.

Application/Control Number: 09/484,834

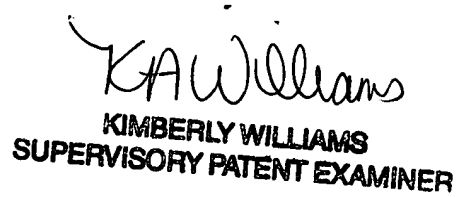
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The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to be 'M. H. Williams'.

12/06/03

A handwritten signature 'KAWilliams' in black ink, with the typed name 'KIMBERLY WILLIAMS' and title 'SUPERVISORY PATENT EXAMINER' in bold, black, sans-serif capital letters below it.